

Official Form 417A (12/23)

Filed By The Court

11/6/2024 3:25PM

U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

Case #: 2:24-cv-06384-BHH-MHC In Re: LoTonia Yvette Spann

*[Caption as in Form 416A, 416B, or 416D, as appropriate]***NOTICE OF APPEAL AND STATEMENT OF ELECTION****Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): LoTonia Spann
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff☐ Defendant☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☒ Debtor☐ Creditor☐ Trustee☐ Other (describe) _____**Part 2: Identify the subject of this appeal**

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Termination of 11 U.S.C 362 d Relief
2. State the date on which the judgment—or the appealable order or decree—was entered:
SOUTH CAROLINA

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Vanderbilt Mortgage and Finance Inc Attorney: John B Kechner (ID#6987)
Turner Padget Graham & Laney PA
PO Box 1473 (29202)
1901 Main st., suite 900 Columbia ,sc 29201
2. Party: _____ Attorney: _____

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Date: 11/06/2024

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

LoTonia Yvette Spann
645 Anna Lane
Cross, Sc 29436
854 -206 6386

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

LaTonia Yvette Spann,

Debtor(s).

C/A No. 24-03025-JD

Chapter 7

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

THIS MATTER came before the Court on the Motion of Vanderbilt Mortgage and Finance, Inc., (“Vanderbilt”) seeking relief under 11 U.S.C. § 362(d)¹ to pursue its available state law remedies as to Vanderbilt’s collateral, described as the 2021 CMH Manufacturing, Inc. mobile home, VIN WHC027167GAAB (“Collateral”) and the Response² filed by the Debtor, *pro se*. Vanderbilt’s motion stated grounds for relief pursuant to 11 U.S.C. §§ 362(d)(1), (d)(2), and (d)(4). A hearing on the matter was held on November 6, 2024. Debtor and counsel for Vanderbilt were present. No party introduced written evidence. Debtor was placed under oath and her testimony indicated there is no equity in the Collateral. Vanderbilt is not adequately protected by the Collateral. There is no equity in the Collateral and the same is not necessary for reorganization.

Based upon the record before the Court, the arguments of the parties at the hearing, the pleadings filed, and for the reasons stated on the record, it is now, therefore ORDERED that:

1. Relief under 11 U.S.C. § 362(d)(4) is denied. The Collateral is not real property and therefore 11 U.S.C. § 362(d)(4) does not apply.
2. Relief from the automatic stay of 11 U.S.C. § 362(a) is granted pursuant to 11 U.S.C. § 362(d)(1) and 362(d)(2).

¹ ECF No. 30

² ECF Nos. 34 and 40.

3. Vanderbilt's request for waiver of the stay provided under Fed. R. Bankr. P.

4001(a)(3) is granted.

AND IT IS SO ORDERED.

**FILED BY THE COURT
11/06/2024**



Entered: 11/06/2024

L. Jefferson Davis IV
US Bankruptcy Judge
District of South Carolina

Notice Recipients

District/Off: 0420-2
Case: 24-03025-jd

User: admin
Form ID: pdf01

Date Created: 11/6/2024
Total: 2

Recipients of Notice of Electronic Filing:

aty John B. Kelchner jkelchner@turnerpadget.com

TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db LoTonia Yvette Spann 645 Anna Lane Cross, SC 29436

TOTAL: 1